

**John O'Donnell
13 Old Dutch Road
Harleysville, PA 19438**

January 15, 2002

Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Mr. Ashcroft:

I am disturbed by the fact that the Microsoft settlement is in jeopardy. It concerns me that, regardless of the comprehensive and impartial settlement reached in November of 2001, nine out of eighteen plaintiff states continue to seek federal action against Microsoft. What grounds can these nine states possibly find for additional litigation? The terms of the settlement do not allow Microsoft to further violate antitrust laws; how then can the antitrust suit be pursued?

Microsoft did not get off easy. Once the settlement is final, Microsoft will be required to disclose any Windows operating system protocols that allow native interoperation with any Microsoft server. Microsoft has agreed to reformat future versions of Windows so that competing software producers can introduce their products and programs into the Windows operating system without complication. Property rights violations are not an issue here, because Microsoft has also agreed to provide third parties acting within the terms with a license to applicable intellectual property rights. There is nothing in the agreement that does not benefit competitive software makers and prevent antitrust law violations.

I urge you and your office to support this settlement. The only thing that can come of additional litigation is a stagnation of growth in the IT industry and further economic decline for all Americans. I support this settlement, and I believe you should do the same.

cc: Senator Rick Santorum

Sincerely,

John O'Donnell